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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,495	12/21/2000	Johan Scott	915.383	8280

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EXAMINER

BASOM, BLAINE T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/747,495	Applicant(s) SCOTT, JOHAN	
	Examiner Blaine Basom	Art Unit 2173	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 21,22 and 54-56.

Claim(s) objected to: NA.

Claim(s) rejected: 1-20,23-25,28-47 and 50-53.

Claim(s) withdrawn from consideration: NA.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
10. ☐ Other: _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

Continuation of 5. does NOT place the application in condition for allowance because: The Examiner maintains that Tobey et al. (U.S. Patent No. 5,510,811, hereafter referred to as "Tobey") presents a "generating device," like that recited in claim 1. Regarding Tobey, the Applicant submits that, although Tobey discloses moving a cursor a "short distance" in response to momentarily depressing an arrow portion of a direction control button, such a short distance does not imply that the cursor moves from one node to another node, as is recited in claim 1. The Examiner respectfully disagrees, particularly for the reasons described in the previous Office Action.

Further regarding the Tobey reference, the Applicant submits that, even if Tobey can be considered to teach nodes, such nodes are not defined based on the locations of functional display regions, as is recited in claim 1. The Examiner respectfully disagrees. A purpose of each of the nodes of Tobey is to denote a location for positioning a cursor when moving the cursor from one functional display region to another functional display region. Therefore, the definition of such nodes may certainly be considered to be based on the functional display regions, and the locations thereof, as a purpose of the nodes concerns moving a cursor to functional display regions.

Further concerning claim 1, the Applicant notes that this claim recites nodes arranged in a mesh at the intersections of two sets of spaced lines. The Applicant then concludes that this implies that the spaced set of lines are defined before the nodes, and not the other way around as taught by the Tobey reference. In response, the Examiner respectfully submits that this conclusion is not necessarily true, and notes that claim 1 does not explicitly express that the sets of lines are defined before the nodes. The Examiner therefore respectfully submits that the Applicant's argument is moot.

Further regarding claim 1, the Applicant submits that the continuous movement of the cursor in the the Random Roam mode of Tobey will change where the short distance movement will cause the cursor to be located, and notes this would therefore upset the "lining up" of the cursor on any first or second set of spaced lines. The Applicant thus concludes that the nodes of Tobey are not defined by functional display regions. The Examiner, however, respectfully maintains that the nodes of Tobey are defined by functional display regions, particularly for the reasons described above. Additionally, the Examiner notes that the Applicant's interpretation of Tobey's continuous cursor movement is not supported by Tobey. The Applicant suggests that the continuous cursor movement, which is caused by holding down an arrow portion of a direction control button, results in the cursor moving smoothly across the screen in the direction of the arrow. The Applicant suggests that the cursor may be moved any distance via this method - such as for distances shorter than the "short distance" caused by simply momentarily depressing the button. The Examiner respectfully disagrees. First, such an approach would be counter-intuitive, as moving the button a shorter distance than the "short distance" would require more time, as the user would have to hold down the button. Secondly, Tobey discloses that the Random Roam mode is used to move the cursor in a "uniform incremental manner" (see column 7, lines 7-12). Therefore, it makes more sense that the cursor moves a set distance, i.e. the above-described "short distance," in response to momentarily depressing the button, and moves in increments of this short distance in response to pressing and holding down the button. By this reasoning, the Examiner maintains that a node is required to be at a functional display region in order for the functional display region to be selectable.